

ENTERED

April 15, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CARL WAYNE BUNTION,

Plaintiff,

VS.

BRYAN COLLIER, *et al.*,

Defendants.

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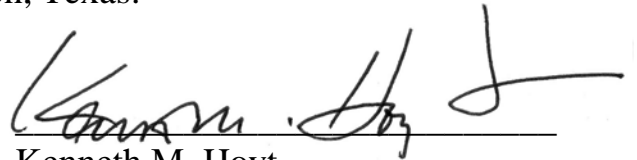
CIVIL ACTION NO. 4:22-CV-01168

The State of Texas will execute Carl Wayne Buntion on April 21, 2022. On April 11, 2022, Buntion filed a complaint pursuant to 28 U.S.C. § 2201. Buntion’s complaint raises a single cause of action: “Absent a declaratory judgment from this Court, Defendants might execute Buntion in a manner that violates his rights under the [Religious Land Use and Institutionalized Persons Act].” (Docket Entry No. 1 at 15). Buntion sued to ensure that his chosen spiritual advisor could pray audibly and touch him in the execution chamber. Concerned about the short time before his execution, Buntion filed suit before the prison administrative remedy process concluded. Since the initiation of this lawsuit, prison officials have informed Buntion that, other than at key moments during the execution process, he would receive the requested assistance of his spiritual advisor. On the ground, Buntion has moved to dismiss this lawsuit. (Docket Entry No. 3). The Court construes

Buntion's motion to dismiss as a notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). This action is **DISMISSED WITHOUT PREJUDICE**.

It is so ORDERED.

SIGNED on April 14, 2022, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Kenneth M. Hoyt', written over a horizontal line.

Kenneth M. Hoyt
United States District Judge